

REMARKS

In the final Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2006/0224903 to *Ginter et al.* ("*Ginter*").

Applicants respectfully traverse the rejection of claims 1-27 as allegedly anticipated by *Ginter*.

As a preliminary matter, in the Final Office Action mailed July 3, 2007 ("the Final Office Action"), the Examiner repeats the rejection of claims 1-27 under 35 U.S.C. § 102(b) as being anticipated by *Ginter* from the Office Action mailed January 11, 2007 ("the Office Action") (See pg. 2 of Office Action, pg. 3 of Final Office Action). In a Reply to Office Action dated April 3, 2007, ("the Reply") Applicant pointed out several deficiencies in the Office Action, noting that *Ginter* fails to teach or suggest both a "means for transmitting ... a restoring request" and a "means for receiving a response to the restoring request," as recited by claim 1.

However, while the Examiner addresses Applicant's reasoning regarding the claimed "means for transmitting ... a restoring request" (Final Office Action at pp. 2-3), the Examiner has not responded to Applicant's reasoning regarding the claimed "means for receiving a response to the restoring request." This failure to address Applicants' reasoning is improper. M.P.E.P. § 707.07(f) indicates that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

Because the Examiner failed to properly address Applicants' traversal of the 35 U.S.C. § 102(b) rejection, Applicants request withdrawal of the finality of the last Office Action. If the Examiner continues to dispute the patentability of the pending claims, Applicants request a new non-final Office Action, including a complete response to all of Applicants' arguments, as this will clarify the Examiner's position.

As discussed in the Reply, independent claim 1 recites an information processing apparatus comprising a "means for receiving a response to [a] restoring request from [a] license server, the response including usage-right identifying information corresponding to . . . [a] usage right having previously been issued to one of said information processing apparatus and the user [of the information processing apparatus]." *Ginter* fails to teach or suggest at least the claimed "response including usage-right identifying information corresponding to ... [a] usage right having previously been issued."

Ginter discloses a "distributed virtual distribution environment (VDE)" including electronic appliances, and the VDE is used to enforce secure handling and control of electronic content (*Ginter*, abstract). *Ginter* further discloses that a user registers with a VDE repository that contains electronic content, and that the repository also contains electronic agreement information indicating usage restrictions on the electronic content (*Ginter*, ¶ 2037). Even assuming *Ginter*'s electronic agreement information corresponds to the claimed usage right, *Ginter* does not disclose a restoring request for previously issued electronic agreement information. Therefore, *Ginter* fails to teach or

suggest a “response including usage-right identifying information corresponding to ... [a] usage right having previously been issued,” as recited by independent claim 1.

Ginter thus does not anticipate claim 1, and Applicants respectfully request the allowance of claim 1. Although of different scope than claim 1, *Ginter* does not anticipate independent claims 6, 10, 15, 19, and 24 for at least the same reasons as claim 1.

Claims 2-5 depend from claim 1, claims 7-9 depend from claim 6, claims 11-14 depend from claim 10, claims 16-18 depend from claim 15, claims 20-23 depend from claim 19, and claims 25-27 depend from claim 24. Because *Ginter* does not support the rejection of independent claims 1, 6, 10, 15, 19, and 24 under 35 U.S.C. § 102(e), *Ginter* also does not support the rejection of dependent claims 2-5, 7-9, 11-14, 16-18, 20-23 and 25-27.

Applicant notes that 37 C.F.R. § 1.104 states:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

(emphasis added). However, in the Final Office Action, the Examiner addresses all of the elements of the claims in a wholesale fashion, without citing with particularity to *Ginter*. Applicants respectfully request the Examiner to identify the teachings in *Ginter* that allegedly correspond to the elements of the claims. In particular, Applicant respectfully requests the Examiner to identify what teaching in *Ginter* allegedly

corresponds to the claimed "usage right having previously been issued," as recited in independent claim 1.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: /David W. Hill/
David W. Hill
Reg. No. 28,220